



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

HB 2511: diversion; juveniles; conditions

Sponsor: Representative Martinez, LD 16

Committee on Judiciary

Overview

Adds voluntary participation in an approved religious services program as a condition that may be substituted for one of the other juvenile diversion conditions outlined in statute.

History

While a juvenile offender may in some limited circumstances be criminally prosecuted as an adult, in many cases they are instead subject to separate process known as *juvenile delinquency*. A *delinquent act* is an act by a juvenile that if committed by an adult would be a criminal or petty offense, and when a juvenile is found to have committed a delinquent act, the juvenile is said to be *adjudicated delinquent*. A juvenile can also be adjudicated an *incorrigible child*, meaning the juvenile is a truant or a runaway; refuses to obey a parent or guardian; habitually behaves in a way that dangers or injures the morals or health of self or others; fails to obey court orders in a noncriminal action; or commits an act constituting an offense that is not designated a delinquent act ([A.R.S. § 8-201](#)).

A city or town attorney or a law enforcement agency may establish and conduct a diversion program if it is authorized by the applicable county attorney and proper notice is provided to the presiding judge of the applicable juvenile court. Moreover, statute prohibits juvenile diversion for certain offenses ([A.R.S. §§ 8-321](#) and [8-323](#)).

If diversion is authorized, before a juvenile delinquency petition is filed or adjudication proceedings begin, the county attorney may divert the prosecution of a juvenile who is accused of committing a delinquent act or a child who is accused of committing an incorrigible act to a diversion program administered by the juvenile court. If a county attorney diverts a prosecution of a juvenile, and the juvenile acknowledges responsibility for the delinquent or incorrigible act, the juvenile probation officer must require that the juvenile comply with one or more of the following:

- 1) participation in unpaid community restitution work;
- 2) participation in a counseling program that is approved by the court and that is designed to strengthen family relationships and to prevent repetitive juvenile delinquency;
- 3) participation in an education program that is approved by the court and that has as its goal the prevention of further delinquent behavior;
- 4) participation in an education program that is approved by the court and that is designed to deal with ancillary problems experienced by the juvenile, such as alcohol or drug abuse;
- 5) participation in a nonresidential program of rehabilitation or supervision that is offered by the court or offered by a community youth serving agency and approved by the court;

- 6) payment of restitution to the victim of the delinquent act; and/or
- 7) payment of a monetary assessment ([A.R.S. § 8-321](#)).

Statute requires the director of the Department of Juvenile Corrections to establish a Religious Services Advisory Committee (Committee) to advise the director regarding the provision of religious programs to all youth in secure care facilities who desire the services. The Committee must consist of certain statutorily enumerated members who are required to meet at least quarterly and submit progress reports and recommendations to the director. Participation in these religious programs must be available to all youth in secure care facilities and must be strictly voluntary ([A.R.S. § 41-2804.01](#)).

Provisions

1. At the juvenile's option, adds participation in a religious program that is approved by the court in conjunction with the Committee established pursuant to [A.R.S. § 41-2804.01](#) to the list of available conditions that a juvenile probation officer must impose for juvenile diversion. (Sec. 1)
2. States that this new option may be substituted for one of the other available conditions outlined in current statute. (Sec. 1)
3. Specifies that the juvenile's participation in a religious program must be voluntary and that the purpose of the program may not include any effort to coerce the juvenile to adopt or change any religious affiliation or beliefs. (Sec. 1)
4. Makes technical and conforming changes. (Sec. 1)

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